



The State of Maryland

Executive Department

EXECUTIVE ORDER 01.01.2011.05

Task Force on Sustainable Growth and Wastewater Disposal

- WHEREAS, Maryland has approximately 426,000 on-site sewage disposal systems, commonly known as "septic systems", on developed parcels and roughly 411,000 of these are on residential parcels;
- WHEREAS, On-site sewage disposal systems release pollutants such as nitrogen into ground water that feed surface waters, ultimately polluting the Chesapeake and Coastal Bays;
- WHEREAS, Maryland is expected to grow by approximately 500,000 new households in the next 25 years and how that development occurs is critical for our existing communities, farms, other resource lands, and waters, including the Chesapeake Bay;
- WHEREAS, The Maryland Department of Planning estimates the addition of 120,000 new on-site sewage disposal systems over the next 25 years, resulting in a 36% increase in the State's total nitrogen load from on-site sewage disposal systems;
- WHEREAS, The number of new households projected to use public sewerage systems is almost three times the number projected to use on-site sewage disposal systems; however, the nitrogen load from new development of on-site sewage disposal systems is likely to be more than three times that from new development using public sewerage systems;
- WHEREAS, In 2010 the U.S. Environmental Protection Agency (EPA) set limits on the amount of nutrient and sediment pollution that can enter the Chesapeake Bay, known as Total Maximum Daily Loads (TMDLs);
- WHEREAS, As required by EPA, Maryland submitted and EPA approved "Phase I" Watershed Implementation Plans (WIP) which allocate the allowable load among different sources and identify strategies for reducing nutrients and sediments that harm the Chesapeake Bay;

WHEREAS, Maryland is in the process of developing the Phase II WIP, which will refine the Phase I plan to include more details about where and how nutrient and sediment loads will be reduced to clean up the Bay and will further divide the responsibility for reducing loads among smaller geographic areas and types of sources;

WHEREAS, The Phase II WIP will also identify a set of specific actions that can be implemented to achieve the reductions necessary to meet the interim nutrient and sediment limits by 2020;

WHEREAS, Without action to reduce the nitrogen loads from new development on-site sewage disposal systems, the Phase II WIP plan will force other sources, such as wastewater treatment plants, urban stormwater, and various agricultural sources to reduce their loads even further, which could severely limit the amount of growth in the State and place additional burdens on the agricultural community;

WHEREAS, The use of on-site sewage disposal systems has other land use impacts such as increasing land consumption outside of the State's growth areas, and fragmenting agricultural and forest lands;

WHEREAS, On-site sewage disposal systems can lead to increased public costs for extending sewer service to failing septic systems and providing additional roads, schools, and other public services; and

WHEREAS, The Maryland Sustainable Growth Commission has been statutorily charged with addressing and recommending initiatives to implement the State's land use policies which are impacted by the use of on-site sewage disposal systems.

NOW THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. Established. There is a Task Force on Sustainable Growth and Wastewater Disposal (Task Force).

B. Membership. The Task Force consists of the following members:

(1) Two members of the Senate of Maryland, designated by the President of the Senate;

(2) Two members of the House of Delegates, designated by the Speaker of the House;

(3) As members:

(a) The Secretary of Planning, or the Secretary's designee;

(b) The Secretary of the Environment, or the Secretary's designee;

(c) The Secretary of Agriculture, or the Secretary's designee; and

(d) The Secretary of Natural Resources, or the Secretary's designee; and

(e) The Chair of the Critical Area Commission or the Chair's designee.

(4) Four representatives of local government:

(a) Two designated by the Maryland Municipal League; and

(b) Two designated by the Maryland Association of Counties.

(5) The Chair of the Sustainable Growth Commission.

(6) A representative of the Center for Agro-Ecology.

(7) Thirteen members appointed by the Governor, of which at least eleven shall represent the following groups:

(a) Two representatives of the environmental community;

(b) One representative of a local health department responsible for the regulation of on-site sewage disposal systems;

(c) Two representatives from the development and real estate community;

(d) One representative from the smart growth community;

- (e) Two representatives of the agricultural community;
- (f) One representative of a non-agricultural resource based industry;
- (g) One representative of the on-site sewage system business community; and
- (h) One representative of the scientific community.

C Chair. The Governor shall designate the Chair and Vice-Chair of the Task Force from among the members.

D Staff. The Departments of Planning and Environment shall provide staff to the Task Force.

E Duties of the Task Force. The Task Force shall:

(1) Review, study, and make findings on the following issues:

(a) The current and future impacts of septic systems and shared community systems on water quality and land use patterns in light of the Watershed Implementation Plan and smart growth policies, highlighting any related barriers to smart growth;

(b) The ability of existing growth areas with central sewage to accommodate projected septic system growth in terms of development capacity, increased flow to wastewater treatment plants, and associated costs for upgrades to these plants;

(c) The costs and benefits of serving future growth with septic systems compared to central sewerage;

(d) Local government practices that have managed large lot residential development served by septic systems built on rural resource lands, addressing any land value effects, and identifying those with statewide applicability;

(e) Applicable past proposals to address the impacts of major septic system developments; and

(f) The current policies and practices of connecting failed septic systems to wastewater treatment plants and the smart growth, environmental, and fiscal implications.

(2) Recommend regulatory, statutory, or other actions to address the impact of major developments on septic systems and their effects on nutrient pollution, land preservation, agri-business, and smart growth.

F. Maryland Sustainable Growth Commission Coordination.

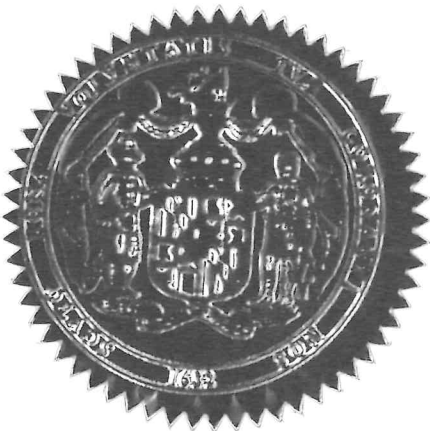
(1) The Chair of the Task Force shall regularly coordinate and communicate between the Maryland Sustainable Growth Commission (Commission) and the Task Force.

(2) To coordinate on issues of mutual interest, the Task Force shall meet jointly with the Commission at least twice before reporting its findings.

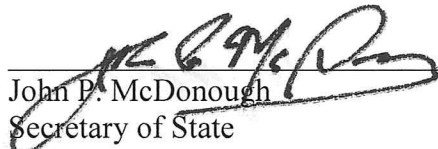
G. Reporting. On or before December 1, 2011, the Task Force shall report its findings and recommendations to the Governor, the Speaker of the House, and the President of the Senate in accordance with Section 2-1246 of the State Government Article.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis this 18th day of April, 2011.


Martin O'Malley
Governor



ATTEST:


John P. McDonough
Secretary of State